

SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD

EXECUTIVE OFFICER'S REPORT

August 14, 2002

PART A

SAN DIEGO REGION STAFF ACTIVITIES *(Staff Contact)*

1. Regional Board Recognized by NRDC For Actions to Protect Coastal Waters *(Dave Gibson) (Attachment A-1)*

In a national press release (attached) "Testing the Waters 2001: A Guide to Water Quality at Vacation Beaches," the Natural Resources Defense Council honored the San Diego and Los Angeles Regional Water Quality Control Boards with the title of "Beach Buddy." Only five organizations nationwide were honored by NRDC for their commitment to protecting coastal water quality. Staff members attended press conferences in San Diego and Santa Monica that were widely reported in local and national media. The Regional Boards were recognized by NRDC for adopting strong municipal storm water permits that include provisions to reduce pollutants in urban runoff and improve coastal water quality.

PART B

SIGNIFICANT REGIONAL WATER QUALITY ISSUES

1. Sanitary Sewer Overflows (SSO) *(Victor Vasquez, Chiara Clemente, David Hanson, Bryan Ott) (Attachment B-1)*

In July 2002, there were 28 sanitary sewer overflows from public sewage collection systems reported to the Regional Board office; 18 of these spills reached surface waters or storm drains, and one resulted in closure of recreational waters. Of the total number of overflows from public systems, seven were 1,000 gallons or more. Regional Board staff has updated the sewer overflow statistics for each sewer agency by fiscal year since FY 1998-99 in the attached table entitled "Sanitary Sewer Overflow Statistics."

An additional nine sewage overflows from private property were also reported in July, of which one was 1,000 gallons or more. Five of the private property spills reached surface waters or storm drains, but none resulted in closure of recreational waters.

No rainfall was recorded at San Diego's Lindbergh Field in June. For comparison, trace amounts of rain were recorded, and 25 public SSOs were reported in June 2002; in July 2001, trace amounts of rain were recorded, and 40 public SSOs were reported.

Regional Board staff is continuing to evaluate the performance records of sewer agencies, as requested by the Regional Board during the June 12, 2002 Board meeting. The Compliance Assurance Unit is reviewing the records of several sewer agencies and will identify those that are a high priority for taking further enforcement action as determined

from the recently developed criteria for prioritizing enforcement work. The POTW Compliance Unit will also further analyze the performance of each sewer agency based on volume spilled per 100-miles of sewer lines, volume recovered, days of posting, and other factors as appropriate. The POTW Compliance Unit will also evaluate the reduction in number of spills that most sewer agencies experienced in FY 2001-2002. This reduction may be due in part to the below average rainfall in the region last year or to steps taken over the past year by sewer agencies to prevent overflows. We will continue to monitor the sewer agencies' performance through the next rainy season to obtain more information on the true cause of this reduction.

One Notice of Violation (NOV) was issued in July for a significant overflow from a private property. The NOV was issued to the following agency:

Country Inn San Clemente

The City of San Clemente (City) reported a 6,500-gallon sanitary sewer overflow from the Country Inn San Clemente located at 35 Via Pico Plaza in San Clemente that occurred on May 22, 2002. The City attributed the cause of the sanitary sewer overflow to a blockage in the Country Inn's private service lateral line. The overflow was observed by City personnel at 10:30 a.m. on May 22, 2002 and was contained by City crews at approximately 10:40 a.m. The Country Inn contracted a plumber, and the lateral was cleared at 11:35 a.m. During subsequent investigation, the City determined that the overflow was initially observed by an employee of the Country Inn at 8:30 a.m. that morning but was not reported. The volume that overflowed prior to containment was discharged to a storm drain that empties into the Pacific Ocean. The spill resulted in the closure of recreational waters along a 4,000 foot stretch of the North Beach section of San Clemente City Beach to prevent public contact with affected waters. During follow-up communication with Regional Board staff, City personnel indicated that the County Inn management was responsive and cooperative in addressing the situation once they were aware of the overflow.

2. Total Maximum Daily Load (TMDL) Activities Update

Rainbow Creek Nutrients TMDL *(Lisa Brown, Alan Monji)*

Preparation of responses to comments and revisions to the draft report and TMDLs are ongoing. Staff is consulting with USEPA regarding the revisions. Staff met with San Diego County staff on July 25, 2002 to discuss their comments, concerns, and the implementation plan. Staff is in the process of scheduling additional meetings with the County of San Diego and other stakeholders.

Shelter Island Yacht Basin Dissolved Copper TMDL *(Lesley Dobalian, Christina Arias)*

Staff attended the 11th annual International Congress on Marine Corrosion and Fouling in San Diego, on July 21-26. Staff made a presentation on the TMDL as part of a session that focused on San Diego Bay as a case study. Session presenters included representatives from the Navy at SPAWAR, Southern California Coastal Water Research Project (SCCWRP), and UC SeaGrant. Following the session, staff sat on a panel to answer questions and discuss the TMDL and related regional issues. The conference was

well attended (approximately 250 registrants) by university professors, researchers, the Navy, and paint manufacturers.

“B” Street/Broadway Piers, Grape Street, and Switzer Creek Contaminated

Sediment TMDLs (*Brennan Ott, Alan Monji*)

The work plan for conducting sediment sampling at these locations is being finalized. Staff met with the San Diego Unified Port District (Port) and City of San Diego to obtain their input on the scope of the investigation. The Port is participating by assisting with portions of the laboratory analyses. Field work will begin as soon as the contracts are executed.

3. Clean Water Act Section 401 Water Quality Certification Actions Taken in July 2002

(*Stacey Baczkowski*)

DATE	APPLICANT	PROJECT TITLE	PROJECT DESCRIPTION	CERTIFICATION ACTION
7/2/02	The Garrett Group, LLC	Hidden Trails	Subdivide 207 acres into 60.9 acres of developed land, including 205 single-family homes and 244 multi-family homes, and 129.5 acres of open space.	Conditional
7/8/02	City of San Marcos, Development Services	San Elijo Road	Widen and realign existing portions of Questhaven Road within the city of San Marcos.	Application Withdrawn
7/8/02	Vallecitos Water District	San Marcos Interceptor Sewer Replacement Project	Replacement of approximately 2.14 miles of an existing 21 inch and 24 inch diameter interceptor sewer pipeline that has exceeded its design life.	Application Withdrawn
7/8/02	Santa Fe Irrigation District	San Dieguito Reservoir Rehabilitation Project	Dredge and restore San Dieguito reservoir.	Application Withdrawn
7/8/02	Winchester 700, LLC	Murrieta Springs, TTM 29707	Development of approximately 770 single family residential units, commercial, and school sites on approximately 199 acres.	Application Withdrawn
7/8/02	Escondido Union School District	Middle School at Kit Carson	Develop 11 acres for a middle school including 7 buildings in addition to hard courts and play fields	Conditional
7/9/02	City of San Diego Water & Wastewater Facilities Division	Group Job 616; L.D.R. No. 91-0722	Rehabilitate and abandon old sewer and water main and three manholes, and install new water and sewer main in Dove Canyon and Curlew Canyon in the Uptown Community of San	Standard t

			Diego.	
7/10/02	Aspen Creek, LLC	Carroll Canyon Business Park	Development of 445,183 sq. ft of light industrial/business park uses on 11 lots.	Conditional
7/25/02	City of Chula Vista	Hunte Parkway Extension	Six-lane prime arterial roadway; capacity for 50,000 vehicle trips per day; landscaping within the center divide and on both sides of the road; and cut and fill slopes on either side.	Conditional
7/28/02	Greystone Homes, Inc.	Harbor View Village Emergency Access Road	Construct access road at McNeil Court, off Bush Street, and follows the Caltrans easement adjacent to Interstate-5.	Conditional
7/29/02	Valley Center-Pauma School District	Lilac Elementary School	Construction of a new elementary school on an approximately 36.9-acre parcel in Valley Center.	Conditional
7/29/02	Superior Ready Mix Concrete, L.P.	Rock Fall Removal Project	Removal of a recent rock fall from the north bank of the San Diego River. A bench will be excavated in the disturbed slope next to the river to access the rock fall.	Conditional
7/30/02	J.D.L.C, LLC#1	Live Oak Park Road/Sydney Road Improvements Project	Construction of 19 residential lots, roadways and other improvements on 58.1 acres	Conditional

Public notification of pending 401 Water Quality Certification applications can be found on our web site at http://www.swrcb.ca.gov/rwqcb9/Programs/Special_Programs/401_Certification/401_certification.html.

4. Status of the Orange County Municipal Storm Water Permit (Order No. R9-2002-0001) (Dave Gibson)

Seven petitions were filed with the State Board requesting a review of Order R9-2002-0001 (Table 1). At the request of the petitioners, the State Board is holding six of the petitions [1465, 1465 (a), (b), (d), (e) and (f)] in abeyance pending completion of administrative reviews of the municipal storm water permit adopted by the Los Angeles Regional Water Quality Control Board for Los Angeles County and the judicial review of the San Diego Permit. The City of Mission Viejo, however, did not request that their petition be held in abeyance and, instead, requested that the State Board address their petition. On July 26, 2002, staff submitted the Administrative Record and a Response in Opposition to the appeal filed by the City of Mission Viejo.

In the matter of the requested stays of the permit, the State Board agreed to hold some stays in abeyance and dismissed as defective the stay request file by the Building Industry Association. The State Board found the applications submitted by Cities of Mission

Viejo and Aliso Viejo and the Golden Rain Foundation to be complete and conducted a hearing on these stay requests on July 29, 2002. The Golden Rain Foundation declined to participate in the hearing. Staff presented its testimony at the hearing, which was subject to cross-examination by the representatives of the two appealing Cities. The State Board is expected to issue their decisions in this matter in early August.

The documents submitted by staff in opposition to the stay requests and the appeal by Mission Viejo have been posted on the Regional Board website starting on July 29, 2002.

Table 1

SWRCB/O CC File	Petitioner(s)	Requested Petition to be Held in Abeyance	Stay Requested
A-1465	1. County of Orange 2. Orange County Flood Control District 3. Laguna Hills 4. Laguna Niguel 5. Laguna Woods 6. Rancho Santa Margarita 7. San Clemente 8. San Juan Capistrano	Yes	No
A-1465(a)	1. Lake Forest 2. Rancho Santa Margarita 3. Laguna Woods ¹	Yes	Yes Held in Abeyance
A-1465(b)	Dana Point	Yes	Yes Held in Abeyance
A-1465(c)	Mission Viejo	No	Yes Heard on July 29, 2002
A-1465(d)	1. Aliso Viejo 2. Rancho Santa Margarita	Yes	Yes Heard on July 29, 2002
A-1465(e)	1. Building Industry Association of Southern California, Inc 2. Building Industry Legal Defense Foundation 3. Construction Industry Coalition for Water Quality	Yes	Yes Dismissed by the State Board as defective.
A-1465(f)	Golden Rain Foundation of Laguna Woods (AKA Leisure World)	Yes	Yes Heard on July 29, 2002

5. Bight'03 Regional Monitoring Program (Pete Michael)

John Robertus, Art Coe, and Pete Michael attended a kickoff meeting for the 2003 Regional Monitoring Program for the Southern California Bight (Bight'03) on August 5th. The coordinator of the program is the Southern California Coastal Water Research Project (SCCWRP), a research organization consisting of major public sewage treatment organizations, including the City of San Diego, southern California coastal regional

¹ Laguna Woods supported the City of Lake Forest's request for a partial stay of Order No. R9-2002-0001.

boards, state board, and USEPA. Bight'03 will be the third regional monitoring project since 1994. These projects were influenced by the 1989 National Research Council (NRC) review of marine monitoring programs in southern California. NRC noted that individual NPDES point-source monitoring programs addressed only five percent of the area of the Bight and were conducted in a manner precluding direct comparison of data between NPDES monitoring programs. This prevented drawing conclusions about the overall health of the Bight.

Bight'03 will contribute to knowledge of the state of the Bight from Point Conception to south of Ensenada, Baja California, from harbors to offshore islands. To reduce costs, regional board executive officers have allowed participating dischargers to suspend conventional compliance monitoring during the period of the project. Bight'98 sampling occurred in August and September 1998 and addressed topics such as beach microbiology, offshore discharge, storm water, harbors, pollutants in fish tissues, bottom fish and invertebrate communities, water and sediment chemistry, and toxicology. Bight'98 was the largest regional monitoring program of which we are aware with 62 organizations participating. The 1994 bight-wide study and Bight'98 now provide information on the Internet to assist in the evaluation of the effects of waste discharge, determine baseline water quality between discharge points, and determine trends. This information is valuable to regional boards in determining if beneficial uses are being supported.

See www.sccwrp.org for reports of the 1994 and 1998 sampling events. Some of the reports relating to the City of San Diego's sampling of San Diego Bay are still being finalized. The purpose of the Bight'03 kickoff meeting was to bring diverse organizations together to discuss the benefits of participating, suggest elements to be included in Bight'03, and identify actions to encourage participation. John Robertus spoke on the benefits to regional boards of participating in Bight'03.

6. San Diego Municipal Storm Water Permit Update (*Phil Hammer*) (*Attachment B-6*)
USEPA and its contractor Tetra Tech, Inc. have finalized the report for the compliance evaluations they conducted with Regional Board staff in May 2002. The compliance evaluations addressed the municipal urban runoff management programs of the City of Carlsbad, the City of Chula Vista, and the City of El Cajon. The evaluations were detailed week-long assessments of each city's overall success in meeting the requirements of the San Diego Municipal Storm Water Permit, including in field verification of program implementation. The finalized report identifies potential program violations, program deficiencies, and positive program attributes for each city evaluated. The report is available for review upon request.

Staff has completed the review of each Copermittee's Jurisdictional Urban Runoff Management Program (JURMP) and sent each Copermittee a letter detailing the findings of the review of their JURMP. The letters requested additional information regarding the JURMP from each Copermittee. The Copermittee's responses are currently being

received and evaluated. A newspaper article covering the Notice of Violation sent to the City of National City for its inadequate JURMP is attached.

7. San Marcos Landfill – Closure (*Carol Tamaki and John Odermatt*)

On July 26, 2002, the Regional Board issued a letter to the County of San Diego indicating that their revised Joint Technical Document (JTD)/Report of Waste Discharge (ROWD) was complete for the closure of the San Marcos Landfill. This submittal complies with the requirements of Addendum No. 1 to Cease and Desist Order 98-39. The Regional Board staff has been informed that on July 17 2002, the County Board of Supervisors approved the "Certification of Environmental Impact Report for the San Marcos Landfill Final Closure and Post Closure Maintenance Plans Project". The Regional Board staff anticipates that an agenda item for approval of waste discharge requirements (WDRs) for closure and post-closure maintenance will be scheduled within the next 3 to 4 months.

8. Mission Bay Landfill (*Brian McDaniel and John Odermatt*)

The Mission Bay Landfill covers approximately 115 acres located in the southeast corner of Mission Bay Park. The City of San Diego (the “discharger”) indicated the Mission Bay Landfill was operated as an “unrestricted facility” accepting up to 25,000 cubic yards of “municipal and public refuse” per month during its operating lifetime from 1952 until 1959. Following the cessation of landfill operations, the discharger has indicated that approximately 5 to 20 feet of hydraulic fill (dredged from Mission Bay) were placed over the landfill and adjacent areas in 1962. The Regional Board currently regulates the Mission Bay Landfill under Order 97-11 (General WDRs for Inactive Landfill sites).

On July 23, 2002, the Regional Board staff received a memorandum and invitation from Councilwoman Donna Frye to participate in a Mission Bay Landfill Oversight Committee/Technical Advisory Workgroup. The Land Discharge Unit has assigned a Regional Board staff member to attend the workgroup meetings being coordinated through Councilwoman Frye's office.

9. NASSCO and Southwest Marine Shipyards (*Tom Alo*)

NASSCO and Southwest Marine shipyards (Shipyards) are currently conducting a site-specific study as directed by the Regional Board in February 2001. The purpose of the study is to evaluate the technological and economic feasibility of cleanup to attain background sediment chemistry concentrations in San Diego Bay sediments affected by waste discharges from the Shipyards. The Shipyards are scheduled to initiate the final phase of the investigation in early September 2002. It is anticipated that the study will be completed by December 2002 and that a Regional Board hearing will be held in February/March 2003 to set final cleanup levels.

San Diego Bay Council (Bay Council) submitted a letter dated July 10, 2002 to Chairman Minan and the Regional Board members requesting that the Regional Board schedule a hearing at the earliest possible Board meeting to consider the adoption of background levels for the Shipyards. Additionally, the Shipyards submitted letters in response to the

Bay Council letter indicating that the study should be completed so that the Regional Board can make an informed decision when adopting final cleanup levels for the Shipyards.

Staff disagrees with the Bay Council request and recommends that the Regional Board not schedule a hearing until the Shipyards complete their site-specific sediment study. A hearing on the matter would be premature at this point because all of the information needed by staff to evaluate the economic and technological feasibility of cleanup to attain background conditions has not yet been collected and analyzed. Further details are provided in the supplemental staff report.

10. Status Report for Shipyards Sediment Study (Tom Alo) (Attachment B-10)

NASSCO and Southwest Marine shipyards (Shipyards) are conducting a site-specific study as directed by Resolution Nos. 2001-02 and 2001-03, adopted by the Regional Board in February 2001. The purpose of the study is to evaluate the technological and economic feasibility of cleanup to attain background sediment chemistry concentrations in San Diego Bay sediments affected by waste discharges from the Shipyards. It is anticipated that the study will be completed by December 2002 and that a Regional Board hearing will be held in February/March 2003. The purpose of that hearing will be for the Regional Board to issue a cleanup and abatement order to NASSCO and Southwest Marine containing final sediment cleanup levels and establishing a time schedule for the cleanup.

The Regional Board has recently received letters from San Diego Bay Council (Bay Council), NASSCO and Southwest Marine shipyards (Shipyards), and Dr. Russell Fairey of Moss Landing Marine Laboratories (attached). The letters provide comments on the Shipyards site-specific study.

Letters from Bay Council & Shipyards

Bay Council submitted a letter dated July 10, 2002 to Chairman Minan and the Regional Board members. The Bay Council letter requests that the Regional Board schedule a hearing at the earliest possible Board meeting to consider the adoption of background levels for the Shipyards. In response to the Bay Council letter the Shipyards submitted letters to the Regional Board members indicating that the site-specific study thoroughly evaluates the feasibility of cleaning up to background levels and that without the study Resolution 92-49 cannot be implemented. Furthermore, the Shipyards firmly believe that the study should be completed so that all information can be considered at the Regional Board hearing.

Staff disagrees with the Bay Council request and recommends that the Regional Board not schedule a hearing until the Shipyards complete their site-specific sediment study. A hearing on the matter would be premature at this point because all of the information needed by staff to evaluate the economic and technological feasibility of cleanup to attain background conditions has not yet been collected and analyzed. Technological feasibility is determined by assessing available technologies, which have been shown to be effective in reducing the pollutant concentrations to the established cleanup levels. Economic

feasibility is determined through an objective balancing of the incremental benefit of attaining more stringent cleanup levels compared with the incremental cost of achieving those levels. Furthermore, it is important to note that economic feasibility does not refer to the subjective measurement of the discharger's ability to pay the costs of cleanup. The availability of the discharger's financial resources is considered in the establishment of the time schedule for cleanup.

The Shipyards are scheduled to initiate the final phase of the investigation in early September 2002. This phase will complete data collection efforts and provide key information to adequately determine, based on State Board Resolution 92-49, whether it is technologically or economically feasible to cleanup to background levels. State Board Resolution 92-49 is interpreted to presumptively require cleanup of contaminated sediment to background levels, however, the resolution is flexible and allows the Regional Board substantial discretion in setting cleanup levels. As such, the final phase will also provide information to develop a range of cleanup levels that are protective of San Diego Bay beneficial uses. This range, which includes background levels, will allow the Regional Board to make an informed decision on setting final cleanup levels for the Shipyards.

Completion of the study has taken somewhat longer than expected. The additional time needed to complete the study is attributable to the following:

- There is no "standard" approach to assessing the nature and extent of sediment contamination and establishing cleanup levels. Neither state nor federal sediment quality standards are available as guidance for setting marine sediment cleanup levels.
- Additional time was needed for Regional Board staff, in concert with other federal, state and non-governmental agencies having expertise in contaminated sediment issues to develop an approach to systematically characterize the sediments at the Shipyards with respect to contaminant concentrations and correlate the concentrations with adverse biological effects. Regional Board staff formed an interagency technical committee, including non-governmental, as well as state and federal government technical experts to determine sampling techniques, testing protocols and contaminated sediment classification methodologies. Out of this effort a scientifically valid approach has been developed to determine the feasibility of cleanup to attain background conditions.
- Consideration of competing stakeholder interests (e.g., Shipyards, state and federal regulatory agencies, and San Diego Bay Council), is an important consideration in implementing a cleanup solution for the shipyard sediments. Additional time was needed for Regional Board staff to hold frequent public workshops to ensure that various viewpoints and concerns could be properly clarified and considered on the types and levels of analyses needed to support the determination of appropriate cleanup levels. To date staff has held six workshops on the issue.

The additional time has allowed the study to proceed in a positive and thoughtful direction that actively involves key stakeholders and technical experts and facilitates consensus building. The stakeholders and technical experts include:

- Natural Resource Trustee Agencies: Department of Fish & Game, U.S. Fish & Wildlife Service, National Oceanic Atmospheric Administration (NOAA), Office of Environmental Health Hazard Assessment (OEHHA), and Department of Toxic Substances Control – Human and Ecological Risk Division (HERD).
- San Diego Bay Council: San Diego Bay Keeper, Environmental Health Coalition, Sierra Club, Audubon Society, and Surfrider Foundation.
- Technical Experts: Southern California Coastal Water Research Project (SCCWRP), Marine Environmental Quality Branch of the U.S. Navy, Marine Pollution Studies Laboratory, and Moss Landing Marine Laboratories

Letter from Dr. Russell Fairey of Moss Landing Marine Laboratories

Dr. Russell Fairey of Moss Landing Marine Laboratories submitted a letter dated June 17, 2002 to the Regional Board members. Dr. Fairey provides comments on the site-specific study being conducted at NASSCO and Southwest Marine regarding the chemical measurements, sampling design, bioassay and bioaccumulation results, benthic community data, and selection of reference stations. The technical committee described above is currently considering Dr. Fairey's comments in determining the final phase of sampling activities.

11. Well Protection from MTBE Impacts in the Temecula Valley (Barry Pulver) (Attachment B-11)

The aquifer supplying water to the City of Temecula is extremely vulnerable to methyl tertiary butyl ether (MTBE) pollution from overlying gasoline stations. One water supply well was shut down for over a year because of MTBE pollution, and an MTBE plume threatens another well. At the request of the City of Temecula, the Executive Office sent a letter to the City describing actions it could take under its land use authority to protect water supply aquifers from MTBE pollution. A copy of the May 17th letter is attached. Mr. Grant Yates, Assistant to the City Manager of the City of Temecula, responded with a letter dated July 8, 2002, (attached) stating his appreciation for the Regional Board's efforts. Mr. Yates stated that he would forward the Regional Board's letter to the City of Temecula Planning Department for consideration. A copy of Mr. Yates' letter is attached.

12. Proposition 13 Grant Project Selection (Bruce Posthumus)

The deadline for submittal of proposals for the three Proposition 13 competitive grant programs administered by the SWRCB was June 7. Staff of each regional board received copies of proposals for projects in their respective regions from SWRCB staff. Each regional board was responsible for scoring / ranking proposals for projects within their own region. All regions used the same scoring ranking criteria and forms. Although

there is no requirement for regional board members to be involved in the scoring / ranking process, in some regions the regional board itself adopted the lists of scored / ranked proposals. In other regions, scoring / ranking was done entirely by staff. San Diego Regional Board staff completed scoring / ranking of proposals submitted for projects in the San Diego region and forwarded the results to SWRCB by the July 23 deadline.

Staff of the regional boards with jurisdiction in the six southern California counties for which 60% of the funding has been designated will meet on August 20, 21, and 22 to develop recommended rankings of proposals for projects in those counties. Coastal Commission staff will join regional board staff in developing recommended rankings of proposals for funding from the Coastal Nonpoint Source Control Program. The recommended rankings will be subject to review and revision by the assistant executive officers before being considered for approval by the SWRCB. Although 60% of the funds designated are for six southern California counties (San Diego, Orange, Riverside, San Bernardino, Los Angeles, and Ventura), there is no designated amount of funds set aside for projects within the jurisdiction of specific regional boards.

In the Watershed Protection Program, there were three proposals for projects in the San Diego region, with a total of approximately \$3.3 million of grant funds requested. There were 17 proposals for projects in the six southern California counties, with a total of approximately \$14.6 million of grant funds requested. \$10 million from this program is available for the six southern California counties.

In the Nonpoint Source Pollution Control Program, there were eleven proposals for projects in the San Diego region, with a total of approximately \$14.2 million of grant funds requested. There were 47 proposals for projects in the six southern California counties, with a total of approximately \$55.7 million of grant funds requested. \$22 million from this program is available for the six southern California counties.

In the Coastal Nonpoint Source Control Program, there were nine proposals for projects in the San Diego region, with a total of approximately \$5.0 million of grant funds requested. There were 44 proposals for projects in the six southern California counties, with a total of approximately \$32.4 million of grant funds requested. \$11.8 million from this program is available for the six southern California counties.

13. Compliance Assurance Report, 2nd Quarter 2002 (April 1 – June 30, 2002) (Mark Alpert) (Diskette attached)

In accordance with the recently approved Enforcement Policy, this quarterly enforcement report is being provided to the Regional Board. This report includes a listing of regulated facilities with violations of waste discharge requirements during the reporting period or unresolved from a previous reporting period, including violations without a Regional Board response.

The report entitled **Violations by Type** provides the detailed list of all the violations and the enforcement actions associated with those violations during the reporting period using data from the SWIM (System for Water Information Management) Compliance Module database. This report includes: a) the date of violation; b) identification whether the violation is considered to be a priority violation; c) the RWQCB response, if any; and d) the corrective action taken by the discharger. During the period **292** violations have been identified. The 113 page report is provided on the enclosed diskette and can also be viewed at the Regional Board web site at <http://www.swrcb.ca.gov/rwqcb9/News/news.html#EOReport>.

The following is a summary of discharger compliance and enforcement.

Water Quality Violations Jan 1 – March 31, 2002	Number of Violations	Enforcement Action				
		Staff enforcement	Notice of Violation/ NTC	13267 Letter	Clean-up & Abatement	Admin. Civil Liab.
Category 1 Pollutant (CAT1)	10		10			1
Category 2 Pollutant (CAT 2)	16		16			
Other Effluent Violation (OEV)	91	30	3			
Chronic Toxicity (CTOX)	8	1	7			1
Acute Toxicity (ATOX)	1	1				
Non-effluent Permit Condition (PRMC)	19	2	15	2	3	
Failure to Submit or Deficient Report (RPT)	66	27	29	27		
Compliance Schedule (CSCH)						
Pretreatment (PRET)						
Sanitary Sewer Overflow (SSO)	85	4	4	1		
Unregulated Discharge (UNRD)	5		3			
Release to Groundwater (RLGW)						
Failure to Notify per Req't (NOTR)	1					
Failure to Pay Fees (PAYF)						12
Failure to Obtain Permit (OBPR)						
Previous Enforcement Action (PENF)						
Basin Plan Prohibition (PROH)						
Total	292	65	104	30	3	12

Recording of violations and enforcement actions from several Regional Board programs are not included in the SWIM database. Compliance information for the following programs are stored in a new database referred to as Geotracker, which is also maintained by the State; underground tanks, Department of Defense, and SLIC (Spills, Leaks, Investigations, and Cleanup programs). The State Board is working to have all of the Regional Board's compliance information be accessed by the SWIM compliance module in the near future.

In addition to this quarterly compliance report, Regional Board staff initiated formal enforcement action in response to significant violations that occurred in periods outside the current reporting period. These formal actions are listed below.

- **Effluent Limit violations:** Administrative Complaints for Assessment of Civil Liability containing Mandatory penalties for violations of effluent limits contained in NPDES permits. Mandatory penalties are established in Water Code Section 13385.

Facility Name	No. Of Violations	Violation Period	Minimum penalty
San Diego Convention Center	30	Jan 00 – Dec 01	\$ 81,000
Manchester Resorts	3	Jan 02 - June 02	\$9,000
Kinder Morgan Energy Partners	7	Jan 02 - June 02	\$21,000
City Of Coronado, Glorietta Bay	13	Jan 02 - June 02	\$39,000
Tosco Marketing, 76 Service Station	10	Jan 02 - June 02	\$30,000

- **Failure to Pay Fees:** The Regional Board staff is escalating its enforcement efforts against dischargers failing to pay annual fees. California Water Code section 13260 requires that each person prescribed WDRs (including enrollees in a General WDRs and NPDES permits) shall pay an annual fee. Failure to pay the fee when requested is a priority violation and may be subject to an ACL imposed by the RWQCB or SWRCB of up to \$1,000 per day pursuant to California Water Code section 13261. The following Complaints for Assessment of Civil Liability for failure to pay annual fees have been issued after repeated notification to the dischargers of the unpaid fees.

Facility Name	Year Fee Due	Amount of Fee	Recommended Liability
Castillo & Sons	97, 98, 00,01	\$1,000	\$5,797
LGA-7 CO/Kemper INS Co	98,01	\$500	\$2,609
Carlsbad Business Park LLC	99, 01	\$500	\$2,145
TMP Homes	00,01	\$500	\$1,804
CB Ranch Enterprises	00,01	\$500	\$1,804
Carroll J. Smith	01	\$250	\$719
Emerald Ridge Partnership	01	\$250	\$618
Richmond American Homes	01	\$250	\$719
Pacific Bell	01	\$250	\$618
Richmond American Homes	01	\$250	\$618
Palone Brothers	01	\$250	\$570

PART C

STATEWIDE ISSUES OF IMPORTANCE TO THE SAN DIEGO REGION

1. Radioactive Waste Constituents at Class III Landfills *(John Odermatt) (Attachment C-1)*

On April 25, 2002, the Executive Director of the SWRCB issued a request for the Regional Board Executive Officers to forward analytical data for certain radioactive waste constituents to the SWRCB by September 30, 2002. By letter dated June 20, 2002, an informal group of waste management industry representatives informed the SWRCB

of their concerns with the requirements from the SWRCB Executive Director. On July 18, 2002, the SWRCB Executive Director issued a response letter to the industry group extending the original deadline for submittal of information to January 31, 2003. A copy of the SWRCB response letter is attached.

2. The Water Quality Enforcement Policy Became Effective July 30, 2002 (*Mark Alpert*)

On July 30, 2002 the Office of Administrative Law approved the State Board's Water Quality Enforcement Policy and the Policy was filed with the Secretary of State. The State Board adopted the Policy on February 19, 2002. A copy of the Policy can be viewed at the State Board web site at <http://execweb.swrcb.ca.gov/caeu/index.htm>

The primary goal of this Enforcement Policy is to create a framework for identifying and investigating instances of noncompliance, for taking enforcement actions that are appropriate in relation to the nature and severity of the violation, and for prioritizing enforcement resources to achieve maximum environmental benefits.